

Senate Bill No. 417

Passed the Senate September 5, 1997

Secretary of the Senate

Passed the Assembly September 3, 1997

Chief Clerk of the Assembly

This bill was received by the Governor this ____ day
of _____, 1997, at ____ o'clock __M.

Private Secretary of the Governor

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CHAPTER ____

An act to amend Sections 1101, 1151, and 1182 of, and to add Section 1156.6 to, the Harbors and Navigation Code, relating to vessels, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 417, Burton. Vessels.

(1) Existing law declares that the maritime industry is necessary for the continued economic well-being and cultural development of all California citizens and also declares the need for pilot regulations and licensing.

This bill would further declare that the physical safety and well-being of pilots is important for providing required pilot services.

(2) Under existing law, the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun is comprised of 7 members who are responsible for making and enforcing rules and regulations for the regulation of pilots. Existing law provides that five of those board members shall be a resident of one of the following counties: San Francisco, Alameda, Contra Costa, Marin, Sacramento, San Mateo, Santa Clara, Solano, San Joaquin, Napa, Sonoma, or Yolo.

This bill would add the Counties of Mendocino, Monterey, and Santa Cruz to the above list.

(3) Existing law authorizes the board to appoint an executive director to perform various duties, including assisting the board with investigation of navigational incidents.

This bill would provide that whenever safety violations concerning pilot hoists or pilot ladders are suspected and reported, the executive director shall assign a commission investigator to inspect the equipment. The bill would require the commission investigator to report preliminary conclusions to the executive director within 24 hours and to submit a written report to the board, as specified. The bill would require the board to consider



the commission investigator's findings at its next monthly meeting and file its own findings and recommendations with the United States Coast Guard.

(4) Under existing law, the board is required to revoke or suspend the license of a pilot or inland pilot if it finds, after hearing, that the pilot or inland pilot is guilty of any misconduct. The order of suspension is required to be entered of record in the minutes of the board by the secretary.

This bill would require the order to be entered by the administrative assistant/secretary.

(5) Existing law continuously appropriates the funds in the Board of Pilot Commissioners' Special Fund for the payment of the compensation and expenses of the board, its officers and employees, and training programs.

By imposing the duties described in (3), the bill would make an appropriation.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 1101 of the Harbors and Navigation Code is amended to read:

1101. The Legislature further finds and declares all of the following:

(a) The maritime industry is necessary for the continued economic well-being and cultural development of all California citizens.

(b) The Bays of San Francisco, San Pablo, and Suisun provide a vital transportation route for the maritime industry.

(c) The increase in vessel size and traffic, and the increase in cargoes carried in bulk, particularly oil and gas and hazardous chemicals, create substantial hazards to the life, property, and values associated with the environment of such waters.

(d) The federal government has long adopted the policy of providing minimum standards which assure port and waterway safety while at the same time encouraging state control over pilot qualifications and licensing.



(e) A program of pilot regulation and licensing is necessary in order to ascertain and guarantee the qualifications, fitness, and reliability of qualified personnel who can provide safe pilotage of vessels entering and using the Bays of San Francisco, San Pablo, and Suisun.

(f) The need to assure safe and pollution-free waterborne commerce requires that pilotage services be employed in the confined and crowded waters of those bays.

(g) Bar pilotage in the Bays of San Francisco, San Pablo, and Suisun has continuously been regulated by a single-purpose state board since 1850, and that regulation and licensing should be continued.

(h) The individual physical safety and well-being of pilots is of vital importance in providing required pilot services.

SEC. 2. Section 1151 of the Harbors and Navigation Code is amended to read:

1151. Each member of the board shall be a citizen of the United States and a resident of California. Each member appointed pursuant to paragraphs (1) and (3) of subdivision (a) of Section 1150 shall be a resident of one of the following counties: San Francisco, Alameda, Contra Costa, Marin, Mendocino, Monterey, Sacramento, San Mateo, Santa Clara, Santa Cruz, Solano, San Joaquin, Napa, Sonoma, or Yolo. The member shall hold office during the pleasure of the power appointing the member, not to exceed four years from the date of the member's commission.

SEC. 3. Section 1156.6 is added to the Harbors and Navigation Code, to read:

1156.6. (a) Whenever suspected safety standard violations concerning pilot hoists, pilot ladders, or the proper rigging of pilot hoists or pilot ladders are reported to the executive director, the executive director shall immediately assign a commission investigator to personally inspect the equipment for its compliance with the relevant safety standards promulgated by the United States Coast Guard and the International Maritime



Organization. Within 24 hours, the commission investigator shall report preliminary conclusions to the executive director. Further, if the commission investigator believes that the equipment is in violation of the relevant safety standards, he or she shall immediately alert the Coast Guard Marine Safety Office. The commission investigator shall submit a written report to the board. The board shall specify, by regulation, the information which shall be contained in the report.

(b) At its next monthly meeting following receipt of the commission investigator's report, the board shall consider the commission investigator's findings as well as other reports or comments from interested parties. At the conclusion of the hearing, the board shall file its own findings and recommendations with the Coast Guard.

(c) The record of the investigation, including the commission investigator's report and the board's findings and recommendations, shall be a public record maintained by the board for 10 years.

SEC. 4. Section 1182 of the Harbors and Navigation Code is amended to read:

1182. If, after a hearing, the board finds that the pilot or inland pilot is guilty of any misconduct sufficient for deprivation of the license, the board shall revoke or suspend the license of the pilot or inland pilot. The order shall be entered of record in the minutes by the administrative assistant/secretary. The proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.



Approved _____, 1997

Governor

